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In re Application of : DECISION ON
LEIJON et al. :
Application No.: 09/194,567 :
PCT No.: PCT/SE97/00899 : PETITION
Int. Filing Date: 27 May 1997 :
Priority Date: 29 May 1996 : UNDER 37 CFR 1.181
Attorney's Docket No.: 705/71503-2 :
For: A DEVICE IN THE STATOR :
OF A ROTATING ELECTRIC MACHINE :

This decision is in response to the documents filed by applicants on 26 August 1999. These documents were submitted in response to a Notification of Missing Requirements (Form PCT/DO/EO/905) mailed to applicants on 05 August 1999. The submission has been treated as a petition under 37 CFR 1.181 to confirm timely compliance with the Notification of Missing Requirements. No petition fee is needed.

BACKGROUND

On 27 May 1997, applicants filed international application No. PCT/SE97/00899 which claimed a priority date of 29 May 1996, and which designated the United States.

On 19 December 1997, a Demand was filed with the International Preliminary Examining Authority electing the United States. The election was made prior to the expiration of 19 months from the priority date. As a result, the deadline for submission of a copy of the international application (unless previously communicated by the International Bureau) and payment of the basic national fee was extended to expire 30 months from the priority date, i.e., 29 November 1998.

On 27 November 1998, applicants filed a transmittal letter for entry into the national stage in the United States with accompanying documents. The 27 November 1998 transmittal letter was not accompanied by the oath or declaration required by 35 U.S.C. 371(c)(4). It was accompanied by a payment of \$1200 which was identified as \$1,070 for the basic national

filing fee and \$130 for furnishing the oath or declaration later than 30 months from the priority date.

On 05 August 1999, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905). The Notification of Missing Requirements informed applicants that they were required to submit the oath or declaration, in compliance with 37 CFR 1.497(a) and (b). The Notification also stated that applicants' failure to submit the oath or declaration "within one month from the date of this Notice or by 31 Months from the priority date of the application, whichever is later" would result in abandonment of the application.

On 26 August 1999, in response to the Notification of Missing Requirements, applicants filed the documents under consideration herein.

DISCUSSION

The present submission consists of copies of documents which applicants assert were filed in the U.S. Patent and Trademark Office on 07 April 1999. The attached documents consist of copies of:

- (1) The 05 August 1999 Notification of Missing Requirements;
- (2) A filing acknowledgement document referencing this application and bearing an OIPE stamp dated April 7, 1999; this document specifically identifies a "Declaration/Power of Attorney," an "Assignment Document w/PTO 1595," and "Check No. 6312 (\$40.00);"
- (3) A cover sheet dated April 7, 1999 titled "Submission of Executed Declaration" which states that "[e]nclosed herewith is the fully executed Declaration of the inventors;" and
- (4) An executed "Combined Declaration And Power Of Attorney For Utility Patent Application (Includes PCT)."

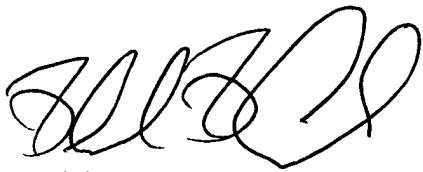
Based on the above-noted filing receipt and applicants' statements, it is concluded that the executed declaration was filed on 07 April 1999. The declaration conforms to the requirements of 35 U.S.C. 371(c)(4) and 37 CFR 1.497(a) and (b), and it is executed by all the named inventors. In addition, applicants have paid the \$130 surcharge under 37 CFR 1.492(e) for filing the executed declaration later than 30 months after the priority date. Accordingly, applicants completed all the requirements under 35 U.S.C. 371 for entry into the national stage in the United States on 07 April 1999.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED**.

The application has an international filing date of 27 May 1997 under 35 U.S.C. 363 and a date of 07 April 1999 under 35 U.S.C. 371(c) and 102(e).

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accord with this decision.



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